

REMARKS

Claims 1-6 are pending in the application. Claims 1-6 have been canceled and claims 7-23 have been added, leaving claims 7-23 for consideration upon entry of the present Amendment. No new matter has been entered by the amendment. Applicant respectfully requests reconsideration in view of the amendment and remarks submitted herewith.

The Examiner has objected to the abstract because the Examiner asserts that the abstract has not been placed on a separate page. The Abstract was placed on a separate page in the preliminary amendment. Applicant has reproduced that Abstract on a separate page as part of this amendment. No changes to the Abstract have been made. In addition, the objection to the specification has also been corrected.

Claims 1-6 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Nordin (WO 97/30606) in view of Townsend, Jr. (U.S. 4,292,689). For an obviousness rejection to be proper, the Examiner must meet the burden of establishing that all elements of the invention are disclosed in the prior art; that the prior art relied upon, coupled with knowledge generally available in the art at the time of the invention, must contain some suggestion or incentive that would have motivated the skilled artisan to modify a reference or combined references; and that the proposed modification of the prior art must have had a reasonable expectation of success, determined from the vantage point of the skilled artisan at the time the invention was made. *In re Fine*, 5 U.S.P.Q.2d 1596, 1598 (Fed. Cir. 1988); *In Re Wilson*, 165 U.S.P.Q. 494, 496 (C.C.P.A. 1970); *Augen v. Chugai Pharmaceuticals Co.*, 927 U.S.P.Q.2d, 1016, 1023 (Fed. Cir. 1996).

First, none of the references teach or suggest all of the limitations of the claims. In particular, claims 7-13 include the following limitation: "a plurality of light permeating holes in the grid, the plurality of holes including a first group of holes having a first area and provided together within a first zone of the grid and a second group of holes having a second area and provided together within a second zone of the grid, said second area is different from said first area."

Nordin teaches a plurality of holes, however, there is only one group of holes, as all of the holes are the same size. Townsend teaches a plurality of holes and holes having different sizes. However, Townsend does not teach or suggest that there is a first group of holes having a first area and provided together within a first zone of the grid and a second group of holes having a second area and provided together within a second zone of the grid and that the second area is different from the first area. Instead, Townsend states that the visor section

is formed by die cutting a pattern of circular openings as shown of five different sizes. See column 7, lines 59-64. When viewing Figure 7 and knowing that there are five different sizes of holes, it is clear that Townsend teaches that the holes of different sizes are interspersed among each other. There is nothing in Townsend that teaches or suggests grouping holes of one size together and then groupings holes of a second size together. In fact, Townsend specifically teaches away from this limitation at column 7, lines 61-64, which states, "it is understood that the visor might be formed with holes of any geometric shape or design of uniform size or of different sizes as desired." Accordingly, Townsend does not teach or suggest the claimed limitation. Applicant respectfully requests that claims 7-13 be allowed.

Claims 14-19 include the following limitation: "a plurality of light permeating holes in the grid, the plurality of light permeating holes includes a first group of holes having a first light transmission and a second group of holes having a second light transmission, wherein the first group of holes are disposed in an upper central zone of the grid and the second group of holes are disposed in a second zone, the second zone is located below the first zone, and the second light transmission is less than the first light transmission."

As explained above, Nordin teaches a plurality of holes, however, there is only one group of holes that are all the same size. Thus, at most Nordin teaches that the first group of holes has a first light transmission. Nordin does not teach that there is a second group of holes having a second light transmission. Townsend teaches a plurality of holes and holes having different sizes and thus, at most teaches that there are two groups of holes having two light transmissions. However, Townsend does not teach or suggest that there is a first group of holes are disposed in an upper central zone and the second group of holes is disposed in a second zone of the grid and that the second area is located below the first zone. Instead, at most, Townsend teaches that the holes of different light transmissions are interspersed among each other and thus, Townsend does not teach or suggest the claimed limitation. Applicant respectfully requests that claims 14-19 be allowed.

Claims 20-23 include the following limitations: "a plurality of light permeating holes in the grid, the plurality of holes having a first group of holes all having a first area and provided together within a first zone of the grid, the first zone being provided in front of the wearer's eyes, and the plurality of holes having at least a second group of holes all having a second area smaller than the first area and provided together within a second zone of the grid, said second zone being located below the first zone." Again, neither Nordin nor Townsend teach or suggest those limitations. Applicant respectfully requests that claims 20-23 be allowed.

In addition, with regard to claims 12, 13, 18, 19, 22, and 23, Nordin and Townsend do not teach or suggest these additional limitations. Because Nordin and Townsend do not teach or suggest the limitations discussed above regarding the first group of holes and the second group of holes, Nordin and Townsend do not teach or suggest these additional limitations regarding the first and second group of holes.

Moreover, obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988); *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992); MPEP § 2143.01. In this case, one skilled in the art would not have combined Nordin and Townsend. Townsend is directed to a visored hat that provides a large effective sun shade area. While Townsend does disclose a visor enabling the wearer to have unobstructed view, this is because the Townsend peak is not located in front of the wearer's eyes and thus, the visor does not protect the eyes in Townsend. In fact, the wearer does not look through the holes, which is the case with a safety visor. Accordingly, one skilled in the art would not have combined Townsend with Nordin to reach the claimed invention.

In view of the foregoing, it is respectfully submitted that the instant application is in condition for allowance. Accordingly, it is respectfully requested that this application be allowed and a Notice of Allowance issued. If the Examiner believes that a telephone conference with Applicant's attorneys would be advantageous to the disposition of this case, the Examiner is cordially requested to telephone the undersigned.

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In the event the Commissioner of Patents and Trademarks deems additional fees to be due in connection with this application, Applicant's attorney hereby authorizes that such fee be charged to Deposit Account No. 06-1130.

Respectfully submitted,

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